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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/701,166

10/31/2003

Robert A. Luciano JR.

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BALLY GAMING INC.
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EXAMINER

RADA, ALEX P

ART UNIT

PAPER NUMBER

3714

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

03/09/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/701,166

Applicant(s)

LUCIANO ET AL.

Examiner

Alex P. Rada

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 December 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

In response to the amendment filed December 20, 2006, wherein applicant amends claim 1, adds new claims 2-6 and claims 2-6 are pending in this application.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

1. Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by DeFrees-Parrott et al. (US Pub. 2001/0036855).

Regarding claim 1, DeFrees-Parrott et al discloses a game machine configured to enable a player to play a game whose outcome is based on chance in exchange for a wager (figure 1) and further comprising a printer operable disposed therein (paragraph 0053; where a ticket printer is standard in the gaming device 12), providing a lottery ticket purchasing pool in the game machine,

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funding the lottery ticket purchasing pool on an incrementally increasing basis (paragraphs 0093-0097; where wagering on the gaming machine funds the jackpot), issuing a lottery ticket from the printer when the lottery ticket purchasing pool reaches a predetermined value and when a game play finishes (paragraphs 0041-0043 and 0095-0097; where the criteria to issue a lottery ticket or play of the lottery game). Inherently known in lottery systems that a percentage of wagers are used to fund the lottery, furthermore any type of system that provides services or goods to a customer or player must fund the system with a percentage of sales of the goods or services.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 2-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeFrees-Parrott et al. (US Pub. 2001/0036855) in view of Okuniewicz (US Pub. 2001/0036854).

Regarding claim 2, DeFrees-Parrott et al disclose a player wager initiating a gaming session on a gaming machine (paragraph 0044; where a player inserts a number of coins to activate the game); funding a lottery ticket purchased pool with at least a portion of the player wager initiating game play and presenting a game outcome (paragraphs 0093-0097; where wagering on the gaming machine funds the jackpot and are essentially known in lottery systems that a percentage of wagers are used to fund the lottery, furthermore any type of system that provides services or goods to a

customer or player must fund the system with a percentage of sales of the goods or services); and determining whether the game outcome is a winning outcome (paragraph 0014).

Regarding claim 3, DeFrees-Parrott et al discloses providing the player to opportunity to purchase additional lottery tickets (paragraph 0039 and 0050; where the lottery gaming device is capable of generating and distributing of lottery tickets).

Regarding claim 6, DeFrees-Parrott et al discloses a plurality of gaming machines presenting a base game having a plurality of winning game outcomes (figure 5; where a plurality of gaming machines are shown) and wherein the lottery gaming system manages a lottery ticket purchasing pool and issues lottery tickets (figure 6, paragraph 0016 and 0093-0097; where wagering on the gaming machine funds the jackpot and are essentially known in lottery systems that a percentage of wagers are used to fund the lottery, furthermore any type of system that provides services or goods to a customer or player must fund the system with a percentage of sales of the goods or services)

DeFrees-Parrott et al is silent in regards to issuing a lottery ticket to the player in response to a winning game outcome and at least one winning game outcome is a lottery ticket as a payout award; and a lottery gaming system in communication with each of the gaming machines.

Okuniewicz teaches a lottery game/gaming device interface that issues a lottery ticket to the player in response to a winning game outcome (paragraph 0007 and 0018) and at least one winning game outcome is a lottery ticket as a payout award; and a lottery gaming system in communication with each of the gaming machines (paragraph 0007 and 0018).

Regarding claim 4, Okuniewicz discloses issuing the lottery ticket further comprises printing the lottery ticket at the gaming machine (paragraph 0020).

Regarding claim 5, Okuniewicz discloses issuing the lottery ticket further comprises printing a voucher that is redeemable for a lottery ticket (paragraph 0022).

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By having issuing a lottery ticket in response to a winning game outcome, one of ordinary skill in the art would provide a gaming device that will enhance and encourage additional game play for the gaming device.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify DeFrees-Parrott et al to include issuing a lottery ticket to the player in response to a winning game outcome as taught by Okuniewicz to provide a gaming device that will enhance and encourage additional game play for the gaming device.

Response to Arguments

4. Applicant's arguments with respect to claims 1-6 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alex P. Rada whose telephone number is 571-272-4452. The examiner can normally be reached on Monday - Friday, 08:00-16:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on 571-272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Robert E. Pezzuto
Supervisory Patent Examiner
Art Unit 3714


APR